

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PAPST LICENSING GMBH & CO. KG, )  
 )  
 Plaintiff, )  
 )  
 v. ) C. A. No. \_\_\_\_\_  
 )  
 OLYMPUS CORPORATION, OLYMPUS )  
 IMAGING AMERICA, INC., )  
 )  
 Defendants. )

**COMPLAINT FOR PATENT INFRINGEMENT,  
AND DEMAND FOR JURY TRIAL**

Plaintiff, Papst Licensing GmbH & Co. KG ("Papst Licensing"), by and through counsel, for its Complaint against defendants Olympus Corporation ("Olympus"), and Olympus Imaging America, Inc. ("Olympus Imaging") (collectively "the Olympus Defendants"), states as follows:

**JURISDICTION AND VENUE**

1. This Court has subject matter (federal question) jurisdiction over Papst Licensing's patent infringement claims pursuant to 28 U.S.C. §1331 and 1338(a) because this action arises under the patent laws of the United States. 35 U.S.C. §§ 1, *et seq.*

2. Venue is proper in the District of Delaware pursuant to 28 U.S.C. §§ 1391(c), 1391(d) and 1400(b).

3. Papst Licensing is a company existing under the laws of The Federal Republic of Germany with its principal place of business headquartered at Bahnhofstrasse 33, 78112 St. Georgen, Germany.

4. Upon information and belief, Olympus is located at Shinjuku Monolith, 2-3-1 Nishi-Shinjuku, Shinjuku-ku, Tokyo 163-0914, Japan.

5. Upon information and belief, Olympus is a multinational corporation having an established and on-going business throughout the United States, and particularly, transacts business in this judicial district through Olympus Imaging. Olympus Imaging is a corporation organized and existing under the laws of the State of Delaware and is located at 3500 Corporate Parkway, Center Valley, PA 18034.

6. Upon information and belief, Olympus is the ultimate parent company of Olympus Imaging.

#### **FACTS GIVING RISE TO THIS ACTION**

7. The patents listed in Paragraph Nos. 8 and 9 below cover, *inter alia*, various aspects of digital cameras. Unless otherwise specified, the said patents are collectively referred to hereinafter as the "Patents in Suit." Papst Licensing is the lawful owner, by assignment, of the entire right, title, and interest in and to the Patents in Suit.

8. United States Patent No. 6,470,399 B1 (the "'399 Patent") duly and legally issued on October 22, 2002. A copy of the '399 Patent is attached hereto as Exhibit A.

9. United States Patent No. 6,895,449 B2 (the "'449 Patent") duly and legally issued on May 17, 2005. A copy of the '449 Patent is attached hereto as Exhibit B.

10. Upon information and belief the Olympus Defendants have made, used, sold or offered to sell to numerous customers in the United States, or have imported into the United States, digital cameras which infringe the Patents in Suit.

11. A reasonable opportunity for further investigation or discovery is likely to provide evidentiary support that the Olympus Defendants have actively induced others and/or contributed to the infringement of the Patents in Suit.

12. A reasonable opportunity for further investigation or discovery is likely to provide evidentiary support that the Olympus Defendants committed the acts of infringement described herein willfully.

13. Papst Licensing has given written notice of infringement to the Olympus Defendants.

14. Upon information and belief, the Olympus Defendants have been and still are committing the acts of infringement described herein and will continue to do so unless enjoined by this Court.

**DEMAND FOR JURY TRIAL**

Plaintiff respectfully requests a trial by jury of all issues so triable.

**REQUESTED RELIEF**

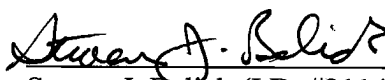
WHEREFORE, Papst Licensing respectfully requests the following relief:

1. the entry of judgment in favor of Pabst Licensing, and against the Olympus Defendants, finding that the Olympus Defendants have infringed the Patents in Suit;
2. the entry of judgment in favor of Pabst Licensing, and against the Olympus Defendants, awarding Pabst Licensing damages adequate to compensate it for the Olympus Defendants' acts of infringement;
3. the entry of judgment in favor of Pabst Licensing, and against the Olympus Defendants, awarding Pabst Licensing all applicable interest (including pre-judgment and post-

judgment interest), costs, an increase of damages to three times the amount of damages found or assessed, and attorneys' fees;

4. the entry of a permanent injunction enjoining the Olympus Defendants, and all those acting in concert or participation with them, from further acts of infringement; and
5. such other and further relief as the Court deems just and proper.

ASHBY & GEDDES



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